



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,235	05/31/2001	Jean-Louis Baffier	50277-1511	2420
29989	7590	11/16/2004	EXAMINER	
HICKMAN PALERMO TRUONG & BECKER, LLP			LE, MIRANDA	
1600 WILLOW STREET			ART UNIT	
SAN JOSE, CA 95125			PAPER NUMBER	
			2167	
DATE MAILED: 11/16/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/872,235

Applicant(s)

BAFFIER ET AL.

Examiner

Miranda Le

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/10/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/09/2004 has been entered.
2. This communication is responsive to Amendment, filed 08/09/2004.
3. Claims 1-70 are pending in this application. Claims 1, 36 are independent claims. In the Amendment A, claims 1, 36 have been amended, no claims have been added, or cancelled. This action is made non-Final.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions

Art Unit: 2167

covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-15, 17-27, 31-50, 52-62, 66-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hokanson et al. (US Patent No. 6,094,680), in view of Kohl et al. (US Patent No. 6,163,878).

As to claims 1, 36, Hokanson teaches “a first party managing one or more database systems” at col. 8, line 62 to col. 9, line 32, col. 4, lines 9-46, col. 2, lines 34-67;

“a plurality of second parties subscribing to database services supported by the one or more database systems managed by the first party, wherein the database services include services for storing and managing data provided by the second parties” at col. 8, line 62 to col. 9, line 32, col. 4, line 47 to col. 5, line 34, col. 2, lines 34-67, col. 10, line 36 to col. 11, line 53;

Hokanson does not specifically teach the following claimed limitations, but Kohl teaches:

“providing, over a network, to database applications controlled by the second parties, access to the database services to which the second parties are subscribed” at col. 8, lines 11-58;

“wherein the database applications, controlled by the second parties, interact with the database systems managed by the first party by sending, to the database systems, database commands that conform to the database language supported by the database system” at col. 8, lines 11-58.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Hokanson with the teachings of Kohl to include “providing, over a network, to database applications controlled by the second parties, access to the database services to which the second parties are subscribed; wherein the database applications, controlled by the second parties, interact with the database systems managed by the first party by sending, to the database systems, database commands that conform to the database language supported by the database system” in order to provide a method for designing, generating and storing applications that enables users to retrieve and manipulate data over a client-server connection in an extremely flexible manner.

As to claims 2, 37, Hokanson teaches “at least one of said second parties is an application service provider that provides application services to a plurality of third parties over said network” at col. 4, lines 9-46, col. 6, line 46 to col. 7, line 42;

“the step of providing access to the database services includes providing database services to an application used by said application service provider to provide said application services to said third parties” at col. 4, lines 9-46, col. 6, line 46 to col. 7, line 42.

As to claims 3, 38, Hokanson teaches “receiving over said network a request to perform a database management operation from a user associated with a particular second party of said plurality of second parties” at col. 4, lines 9-46, col. 6, line 46 to col. 7, line 42;

Art Unit: 2167

“responding to said request by performing said database management operation on one or more databases controlled by said first party without human intervention by said first party” at col. 4, lines 9-46, col. 6, line 46 to col. 7, line 42.

As to **claims 4, 39**, Hokanson teaches “wherein the one or more database systems are implemented on a set of database devices that include a plurality of database appliances, a database appliance comprising database software and non-database software tailored to the needs of the database software” at col. 4, lines 9-46, col. 6, line 29 to col. 7, line 42.

As to **claims 5, 40**, Hokanson teaches “wherein the step of providing access over a network includes providing access over a public network of computer networks” at col. 4, lines 9-46, col. 6, line 46 to col. 7, line 42.

As to **claims 6, 41**, Hokanson teaches “the step of performing the database management operation involves allocating a different amount of resources to said particular second party than is currently allocated for said particular second party” at col. 4, lines 9-46, col. 6, line 29 to col. 7, line 42, col. 10, line 36 to col. 11, line 39.

As to **claims 7, 42**, Hokanson teaches “the step of delivering to a party over the network one or more messages which cause generation of user interfaces that allow the party to subscribe to said database services provided by said first party” at col. 10, line 36 to col. 11, line 40, col. 8, line 62 to col. 9, line 54.

As to claims 8, 43, Hokanson teaches “the user interfaces contain controls for specifying user profile information, payment information, and selection of database services” at col. 8, line 62 to col. 9, line 54.

As to claims 9, 44, Hokanson teaches “the step of delivering over the network, to a user associated with one of said second parties, one or more messages which cause generation of user interfaces that allow the user to access a database for a database service to which said one of said second parties has subscribed” at col. 8, line 62 to col. 9, line 54.

As to claims 10, 45, Hokanson teaches “the first party also provides database application services over said network” at col. 8, line 62 to col. 9, line 54;

“the method further comprises the step of delivering over the network, to a user associated with one of said second parties, one or more messages which cause generation of user interfaces that allow the user to access a database application service to which said one of said second parties has subscribed” at col. 8, line 62 to col. 9, line 54, col. 10, line 36 to col. 11, line 39.

As to claims 11, 46, Hokanson teaches “the step of delivering over the network, to a user associated with one of said second parties, one or more messages which cause generation of user interfaces that allow the user to indicate changes to at least one of

profile information, payment information, and the selection of services to which said one of said second parties is subscribed” at col. 10, line 36 to col. 11, line 39.

As to claims 12, 47, Hokanson teaches “the step of delivering over the network, to a user associated with one of said second parties, one or more messages which cause generation of user interfaces that allow the user to supply content for a subscribed database” at col. 10, line 59 to col. 11, line 53.

As to claims 13, 48, Kohl teaches “the step of delivering over the network, to a user associated with one of said second parties, one or more messages which cause generation of user interfaces that allow the user to develop a new database application” at col. 8, lines 11-58, col. 10, lines 10-58.

As to claims 14, 49, Hokanson teaches “the step of delivering over the network, to a user associated with one of said second parties, one or more messages which cause generation of user interfaces that allow the user to integrate an external service” at col. 10, line 59 to col. 11, line 53.

As to claims 15, 50, Hokanson teaches “the step of delivering over the network, to a user associated with one of said second parties, one or more messages which cause generation of user interfaces that present a status of a user subscribed resource selected from database resources managed by said first party” at col. 10, line 59 to col. 11, line 53.

Art Unit: 2167

As to claims 17, 52, Hokanson teaches “the step of the first party updating the one or more database systems by receiving from a community server over the network an update to the one or more database systems, wherein the community server provides the update to a plurality of service providers over said network” at col. 8, line 62 to col. 9, line 32.

As to claims 18, 53, Hokanson teaches “the step of the first party sending to a community server a status of a user subscribed resource, wherein the user subscribed resource is maintained by said first party” at col. 10, line 36 to col. 11, line 53.

As to claims 19, 54, Hokanson teaches “presenting to a user associated with said first party a user interface to allow said first party to configure a database device used to provide said database services as one of a dedicated device and a plurality of virtual devices” at col. 10, line 36 to col. 11, line 53.

As to claims 20, 55, Kohl teaches “presenting to a user associated with said first party a user interface to allow said first party to configure at least one of a dedicated device and a virtual device of a plurality of virtual devices as one of a staging device available only to a database service developer for developing database services” at col. 8, line 11 to col. 9, line 56,

“a production device for making database services available to a user who is not the database service developer” at col. 8, line 11 to col. 9, line 56.

As to claims 21, 56, Kohl teaches “presenting a user interface for transferring an application from a staging device to a production device” at col. 8, line 11 to col. 9, line 31.

As to claims 22, 57, Hokanson teaches “the step of delivering to a party over the network one or more messages which cause generation of user interfaces that allow the party to subscribe to said database services is performed as part of a registration process” at col. 10, line 36 to col. 11, line 53;

“the interfaces include controls for receiving a user input value for a maximum amount of subscribed resources” at col. 10, line 36 to col. 11, line 53;

“the method further includes the step of presenting an alert if an amount of subscribed resources consumed by said party exceeds a threshold percentage of the maximum amount of subscribed resources” at col. 10, line 36 to col. 11, line 53.

As to claims 23, 58, Hokanson teaches “the steps of receiving a user input value for a particular threshold percentage” at col. 10, line 36 to col. 11, line 53;

“presenting an alert if an amount of resources consumed by said party exceeds the particular threshold percentage of the maximum amount of subscribed resources” at col. 10, line 36 to col. 11, line 53.

As to claims 24, 59, Hokanson teaches “the maximum amount of subscribed resources includes a maximum amount of at least one of an amount of storage space, a number of users connected to a platform in a period of time, an amount of processor time

Art Unit: 2167

used in a period of time, and a number of transactions completed in a period of time" at col. 10, line 36 to col. 11, line 53.

As to claims 25, 60, Hokanson does not explicitly teach "presenting to the user a set of selectable sources of content" at col. 10, line 36 to col. 11, line 53;

"receiving user input indicating a selected source" at col. 10, line 36 to col. 11, line 53;

"launching a source update process to connect to the selected source and update a database with information received from the selected sources" at col. 10, line 36 to col. 11, line 53;

"receiving user input indicating a selected source" at col. 10, line 36 to col. 11, line 53;

"launching a source update process to connect to the selected source and update a database with information received from the selected sources" at col. 10, line 36 to col. 11, line 53.

As to claims 26, 61, Hokanson teaches "the user input indicating a selected source also indicates a schedule for updating from the selected source" at col. 10, line 36 to col. 11, line 53;

"the source update process connects to the selected source according to the schedule for updating from the selected source" at col. 10, line 36 to col. 11, line 53.

As to claims 27, 62, Hokanson teaches “in response to user input that specifies that data should be loaded into a subscribed database, determining whether the subscribed database currently exists for said one of said second parties” at col. 10, line 36 to col. 11, line 53;

“creating the subscribed database if the subscribed database does not currently exist for said one of said second parties” at col. 10, line 36 to col. 11, line 53.

As to claims 31, 66, Hokanson teaches “the step of integrating comprises the steps of presenting a representation of a selectable external service” at col. 10, line 36 to col. 11, line 53;

“receiving user input indicating a selected external service” at col. 10, line 36 to col. 11, line 53;

“launching an integration process to provide the external service to the user” at col. 10, line 36 to col. 11, line 53.

As to claims 32, 67, Hokanson teaches “the selectable external service includes at least one of a payment service” at col. 10, line 36 to col. 11, line 53.

As to claims 33, 68, Kohl teaches “the first party performing at least one of the steps of: setting up database parameters; reporting database usage; backing up the database, upgrading the database, controlling database versions, implementing database security; implementing database security within the database” at col. 10, line 11 to col. 11, line 6.

Art Unit: 2167

As to claims 34, 69, Hokanson teaches “if a costing database does not already exist, then automatically creating the costing database of database resource usage by user, and initiating a costing model with price per unit of consumable resource per service” at col. 10, line 36 to col. 11, line 53;

“inserting data into the costing database based on actual use of database resources by the user” at col. 10, line 36 to col. 11, line 53;

“executing the costing model to compute a cost-per-user based on the data in the costing database and the price per unit of consumable resource per service” at col. 10, line 36 to col. 11, line 53;

“billing the user for the cost computed by the costing model” at col. 10, line 36 to col. 11, line 53.

As to claims 35, 70, Hokanson teaches “the costing model supports: fixed price per unit of usage” at col. 10, line 36 to col. 11, line 53;

“variable price per unit usage as a function of usage” at col. 10, line 36 to col. 11, line 53;

“flat price up to a maximum value of usage” at col. 10, line 36 to col. 11, line 53;

“different prices for different users” at col. 10, line 36 to col. 11, line 53;

“different prices for different services” at col. 10, line 36 to col. 11, line 53;

“different prices for increments of usage above a maximum subscribed usage” at col. 10, line 36 to col. 11, line 53.

Art Unit: 2167

6. Claims 16, 28-30, 51, 63-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hokanson et al. (US Patent No. 6,094,680), in view of Kohl et al. (US Patent No. 6,163,878), and further in view of Moore et al. (US Patent No. 6,330,575 B1).

As to claims 16, 51, Hokanson, Kohl do not explicitly teach the following claimed limitations, however, Moore teaches:

“delivering over the network, to a user associated with one of said second parties, one or more messages which cause generation of user interfaces that present the user with a user-selectable representation of a wizard for building a Web page with a database component associated with an interface to a database” at col. 5, lines 36-48, col. 10, lines 44-58, Abstract,

“receiving user input indicating the wizard” at col. 5, lines 36-48, col. 10, lines 44-58, Abstract;

“executing said wizard, including presenting a series of screens to the user to prompt user input for building the Web page” at col. 5, lines 36-48, col. 10, lines 44-58, Abstract.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Hokanson, Kohl with the teachings of Moore to include all these above limitations in order to allow users to design a web site in only a few minutes and does not require any special Internet knowledge.

As to claims 28, 63, Kohl teaches “a staging database device can be accessed by the user for developing the new database application and cannot be accessed by users

Art Unit: 2167

associated with other parties of said plurality of second parties” at col. 8, line 11 to col. 9, line 31;

“receiving development input from the user” at col. 8, line 11 to col. 9, line 31;

“building a new application on the staging database device based on the selected development kit and the development input” at col. 8, line 11 to col. 9, line 31.

Hokanson, Kohl do not specifically teach the following claimed limitations.

However, Moore teaches:

“presenting representations of selectable application development kits” at col. 10, lines 23-42;

“receiving user input indicating a selected development kit from the user” at col. 10, lines 23-42;

“launching a staging process including configuring consumable database resources on a staging database device” at col. 10, lines 23-42.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Hokanson, Kohl with the teachings of Moore to include "presenting representations of selectable application development kits; receiving user input indicating a selected development kit from the user; launching a staging process including configuring consumable database resources on a staging database device" in order to provide a development tool which simplifies the design, creation, and maintenance of a Web site for merchants.

As to claims 29, 64, Kohl teaches “the step of developing the new database application further comprising the steps of after receiving user input indicating a selected

Art Unit: 2167

development kit, determining whether a client process of the selected development kit must be downloaded to a computer of the user over the wide area network” at col. 8, line 11 to col. 9, line 31, col. 10, line 11 to col. 11, line 6. Moore teaches this limitation at col. 10, lines 23-42.

Kohl teaches “if it is determined the client process of the selected development kit must be downloaded, downloading the client process to the computer of the user over the wide area network before the step of building the new application” at col. 8, line 11 to col. 9, line 31, col. 10, line 11 to col. 11, line 6. Moore teaches this limitation at col. 10, lines 23-42.

As to claims 30, 65, Kohl teaches “the step of developing a new database application further comprising the steps of receiving input from the user indicating the new application is ready for operational use” at col. 8, line 11 to col. 9, line 31, col. 10, line 11 to col. 11, line 6;

“in response to receiving input from the user indicating the new application is ready for operational use, launching a production transfer process including sending a request to the first party to transfer the new application to a production device on which the new application may be accessed by users who did not develop the new application” at col. 8, line 11 to col. 9, line 31, col. 10, line 11 to col. 11, line 6.

Response to Arguments

7. Applicant's arguments regarding “Claims 1 and 36 have been amended to more specifically define what a database application is, based on how database applications

Art Unit: 2167

and database systems interact", have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (571) 272-4112. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

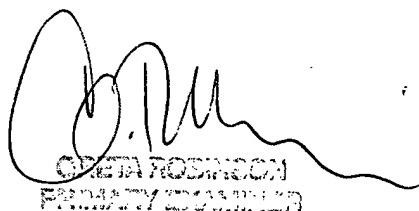
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene, can be reached on (571) 272-4107. The fax number to this Art Unit is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Miranda Le
November 10, 2004



Oreta Robinson
Patent Examiner